

REMARKS

Claims 1-8 and 11-12 are in the application. Claims 1-8 and 11 stand rejected under 35 U.S.C. §102(e) as being anticipated by Blake (6,874,806).

The Examiner states that Blake at Figs. 5A-5B and 8 discloses a trailer hitch cover for a motor vehicle which can be used as a step. More specifically, the Examiner argues further that Blake discloses a step (188) pivotably coupled to a bracket and operative to articulate about an axis between first and second positions. Applicant respectfully traverses this rejection and requests that Claims 1-8 and 11 be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

The Examiner's attention is respectfully directed to Blake at Col. 7, lines 34-38, wherein Blake states that "It should be appreciated that fascia plate 188 is purely aesthetic and the structural strength of the cover assembly 186 properly lies with the cover plate 156. It should be appreciated that the cover assembly 186 is rotatable via the hinge pin 166 between the closed positions and an open position, allowing access to the cavity 15 of the hitch tube 14."

As set forth in Applicant's Claim 1, Applicant claims a step which is pivotably coupled to brackets attached to a structural member also carrying a trailer hitch. The Examiner is incorrect in his rejection of Applicant's claimed invention, over Blake, for the simple reason that a fascia plate which is purely aesthetic, and therefore devoid of structural strength, cannot function as a step. Nor, for that matter, could cover plate 156, for the simple reason that there is no disclosed mechanism for preventing excessive downward rotation of 156. Indeed, one's foot would need to be very small to lie squarely on 156, without the danger of breaking fascia 188 off of the vehicle or slipping and falling to the ground. As a result, Blake cannot comprise a valid basis for the rejection of Claims 1-8 and 11, and these claims should be passed to issue over the Examiner's rejection. Such action is earnestly solicited.

Regarding Claims 2, 3, 4, 5, 6, 7, 8, 11, and 12, each of these claims is allowable as being dependent from Claim 1 which, as set forth above, is allowable over Blake. Each claim should therefore be passed to issue over the Examiner's rejection. Such action is earnestly solicited.

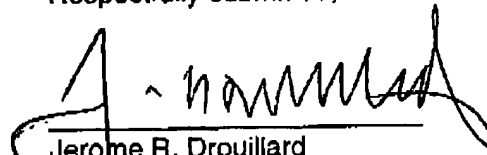
The Examiner has rejected Claim 12 under 35 U.S.C. §103(a) as being unpatentable over Blake and further in view of Hehr (6,685,204). The Examiner argues that Hehr, in Figs. 20-21, discloses a locking mechanism having a sliding pin which the Examiner urges could be combined with the locking mechanism of Blake to operate a locking mechanism manually.

Applicant respectfully traverses the rejection of Claim 12 over Blake and Hehr and requests that Claim 12 be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

Applicant respectfully submits that the Examiner's reliance upon Hehr and Blake is misplaced. The Examiner cites Hehr for a mechanism for locking a hitch drawbar into receiver; Hehr has nothing to do with a step which is pivotably coupled to a vehicle. The Examiner's attention is directed to the various figures showing the Hehr's step, wherein it is abundantly clear that Hehr has a step which is slidable into a receiver hitch, but not rotatable.

The Examiner's reliance of Blake in his rejection of Claim 12 is equally inapposite because he fails to specify what locking mechanism he is referring to. In any event, there is no incentive to combine Blake and Hehr, and neither Blake nor Hehr, for that matter, whether taken singly, or in combination with each other, either teach or suggest Applicant's claimed invention as set forth in Claim 12 and this claim, along with Claims 1-8 and 11 should be passed to issue over the Examiner's rejection. Such action is earnestly solicited.

Respectfully submitted,


Jerome R. Drouillard
Registration No. 28,008
Attorney for Applicant

Date: _____

10/24/05

Artz & Artz, PC
28333 Telegraph Road, Suite 250
Southfield, Michigan 48034
(248) 223-9500